



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

May 27, 2005

Mr. Dennis Rattie
Tarragon-Kent Station, LLC
1000 Second Avenue, Suite 3200
Seattle, WA 98104

Subject: No Further Action for the Voluntary Cleanup at Kent Station Property including former Borden Chemical Facility, Brutsche, Reiman, Silvestri and Kent-Metro RTA Garage, bounded by James Street to the north, First Avenue North to the east, Smith Street to the south, and Fourth Avenue North to the west, Kent, Washington and Voluntary Cleanup Program #NW 1279

Dear Mr. Dennis Rattie:

Thank you for submitting the results of your voluntary cleanup actions for review by the State of Washington Department of Ecology (Ecology). Ecology appreciates your initiative in pursuing this administrative option under the Model Toxics Control Act (MTCA) to voluntarily cleanup this property.

This letter addresses the voluntary cleanup actions at the Kent Station Property including the former Borden Packaging and Industrial Products, Borden Chemical Facility, Brutsche, Reiman, Silvestri properties and Kent-Metro RTA Garage located in the central area of the City of Kent and bounded by James Street to the north, First Avenue North to the east, Smith Street to the south, and Fourth Avenue North to the west, in Kent, King County, Washington. The Kent Station Property was entered into the Voluntary Cleanup Program in June 2004 and the site number is #NW 1279.

Ecology appreciates your initiative in pursuing a voluntary cleanup under the Model Toxics Control Act. As part of the Voluntary Cleanup Program, I have reviewed the following reports and site information for the Kent Station site:

- Hart Crowser, 2005, Summary of Field Observations and Activities, Construction Monitoring at Kent Station Property, Kent, Washington, prepared for Tarragon, LLC, prepared by Hart Crowser, Inc. and dated April 20, 2005;
- Hart Crowser, 2004A, Summary of Previous Environmental Investigations and Cleanup, Kent Station Property, Southeast Corner of James Street and Fourth Avenue North, Kent, Washington #17057-00, prepared by Hart Crowser, Inc. and dated November 30, 2004;

- Kent CARES, 2005, Cover-Up vs Clean-Up [at Kent Station Project], prepared by Don Shafer, Representative, Kent CARES and dated May 13, 2005;
- Washington State Department of Ecology, 2005, Letter to Dennis Rattie, Tarragon-Kent Station, LLC regarding Request for Additional Monitoring at Kent Station/former Borden Chemical Facility, Kent, Washington and dated March 24, 2005;
- Hart Crowser, 2004B, Preliminary Environmental Assessment Phase I, Kent Station Property, Southeast Corner of James Street and 4th Avenue North, Kent, Washington #17057-00, prepared for Tarragon, LLC, prepared by Hart Crowser, Inc. and dated May 21, 2004;
- Earth Consultants, Inc., 2004, Geotechnical Engineering Study for Proposed Kent Station, West James Street and Fourth Avenue South, Kent, Washington, prepared for Tarragon, LLC, prepared by Earth Consultants, Inc., Bellevue and dated March 25, 2004;
- Washington State Department of Ecology, 2003, Letter to Don Shafer, Kent CARES dated December 3, 2003;
- URS, 2003, Borden Chemical Facility Environmental Summary and Closure Report prepared for the City of Kent, prepared by URS and dated June 16, 2003;
- Kent CARES, 2003, Unlawful Reporting, Inadequate Investigation and Insufficient Cleanup of Toxic-Waste Contamination on Kent Station Project, prepared for the public, prepared by Kent CARES and dated March 26, 2003;
- Washington Department of Ecology, 2003, Letter to Kathleen Goodman, URS Corporation regarding the former Borden Chemical Facility, Kent, Washington and dated March 18, 2003;
- City of Kent, 2002, Kent Station Planned Action-Final Supplemental Environmental Impact Statement, prepared by City of Kent Community Development and dated July 8, 2002;
- URS, 2002, Borden Chemical Facility Demolition Monitoring Report, prepared for the City of Kent, prepared by URS Seattle and dated March 21, 2002;
- URS, 2001, BNSF Property Phase II Environmental Site Assessment Report prepared for the City of Kent, prepared by URS Seattle and dated July 12, 2001;
- URS, 2000, Borden Chemical Facility Phase II Report prepared for the City of Kent, prepared by URS Seattle and dated November 6, 2000;

- Borden Packaging and Industrial Products, 2000, Annual Groundwater Monitoring conducted at Borden Packaging and Industrial Products Facility, Kent, Washington and dated March 15, 2000;
- AGI Technologies, 2000, Phase 2 Environmental Assessment – Reiman Trust Property, 321 West Smith Street, Kent, Washington prepared for the City of Kent, prepared by AGI Technologies and dated January 20, 2000;
- AGI Technologies, 1999, Phase 1 Environmental Assessment – Reiman Trust Property, 321 West Smith Street, Kent, Washington prepared for the City of Kent, prepared by AGI Technologies and dated November 22, 1999;
- Borden Packaging and Industrial Products, 1999, Annual Groundwater Monitoring conducted at Borden Packaging and Industrial Products Facility, Kent, Washington and dated June 14, 1999;
- Borden Packaging and Industrial Products, 1998, Annual Groundwater Monitoring conducted at Borden Packaging and Industrial Products Facility, Kent, Washington and dated March 9, 1998;
- Borden Packaging and Industrial Products, 1997, Annual Groundwater Monitoring [for 1997 and 1996] conducted at Borden Packaging and Industrial Products Facility, Kent, Washington and dated July 3, 1997;
- Washington State Department of Health, 1993, Health Investigation for Borden Packaging and Industrial Products, Kent, Washington Report prepared by State Department of Health and dated January 29, 1993;
- EMCON Northwest, Inc, 1992, Summary Report – Hydrogeologic Investigations at Borden Packaging and Industrial Products Facility, Kent, Washington prepared by EMCON Northwest, Inc. Bothell, volumes 1 & 2, dated April 2, 1992; and
- Washington State Department of Ecology, 1991, Site Hazardous Assessment at the Borden Packaging and Industrial Products Facility, Kent, Washington prepared by Ecology and dated June 3, 1991.

The above listed reports will be kept in the Central Files at Ecology's Northwest Regional Office for review by appointment only. Appointments can be made by calling Ms. Sally Alexander at Central Files at 425-649-7239.

Based upon the above information Ecology has determined that, at this time, there is no known threat to the soil and groundwater that may pose a threat to human health and/or the environment.

Therefore, Ecology is issuing this determination of no further remedial action is necessary at this site under MTCA, chapter 70.105D RCW at this time. However, please note that because your actions were not conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(i) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology.

Earlier this year Ecology issued a letter requesting additional soil and groundwater monitoring at the Kent Station property (Ecology letter, March 24, 2005). This recommendation was based on site information without the two most recent reports – Hart Crowser (2005) and Hart Crowser (2004A) listed above. These two reports provide sufficient site information to determine no further remedial action is necessary at this time.

Ecology's no further action determination is made only with respect to the release(s) identified in the voluntary cleanup action reports listed above. This no further action determination applies only to the area of the property affected by the release(s) identified in the reports. It does not apply to any other release or potential release at the property, and any other areas on the property.

Ecology will update its database to reflect this "No Further Action" determination.

The state, Ecology, and its officers and employees are immune from all liability and no cause of action of any nature that may arise from any act or omission in providing this determination.

If you have any questions, please contact me at the Northwest Regional Office by email at mobr461@ecy.wa.gov or telephone at (425) 649-7249. And thank you for participating in Ecology's voluntary cleanup program.

Sincerely,



Maura S. O'Brien, PG/HG #869
Professional Geologist/Hydrogeologist and Site Manager
Toxics Cleanup Program

cc Senator Karen Keiser, Washington State Senate
Kim Adams Pratt, Attorney, City of Kent
Kim Marousek, City of Kent Planning Department
Bill Wolinski, City of Kent Planning Department
Mark Menard, Sound Transit Legal Department
Julie Wukelic, Hart Crowser, Inc
Don Shafer, Kent CARES

